

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 OLIN CORPORATION and PIONEER)
 4 AMERICAS LLC D/B/A OLIN CHLOR)
 5 ALKALI PRODUCTS,)

6 Plaintiffs,)

7 vs.)

Case No.: 2:10-cv-00623-GMN-RJJ

ORDER

8 CONTINENTAL CASUALTY)
 9 COMPANY; FACTORY MUTUAL)
 10 INSURANCE COMPANY; ZURICH)
 11 AMERICAN INSURANCE COMPANY;)
 12 ZURICH INSURANCE IRELAND LTD.;)
 13 NATIONAL UNION FIRE INSURANCE)
 14 COMPANY OF PITTSBURGH,)
 15 PENNSYLVANIA; and ACE)
 16 AMERICAN INSURANCE COMPANY,)

17 Defendants.)

18 This is an insurance contract action originally filed by Plaintiffs Olin Corporation
 19 and Pioneer Americas LLC d/b/a Olin Chlor Alkali Products (“Plaintiffs” or “Olin
 20 Corporation”) (ECF No. 1), and later consolidated with the insurance contract action filed
 21 by Defendant Continental Casualty Company (“Continental Casualty”) (ECF No. 1, Case
 22 No. 10-cv-01298-GMN-PAL). (*See* Order, April 6, 2011, ECF No. 120.)

23 Pending before the Court are the various motions for summary judgment and
 24 partial summary judgment filed by Defendants Factory Mutual Insurance Company,
 25 Zurich American Insurance Company, National Union Fire Insurance Company of
 Pittsburgh Pennsylvania, and Ace American Insurance Company (collectively, “Property
 Insurers”), and by Defendant Continental Casualty Company (“Continental Casualty”).
 (ECF Nos. 148, 157, 153, 155, 156, 149, 150, 151.)

1 Also before the Court is the Motion for Leave to File Excess Pages (ECF No. 161)
2 filed by Plaintiffs Olin Corporation, and the Motion for Hearing (ECF No. 195) filed by
3 Defendant Continental Casualty.

4 **I. BACKGROUND**

5 Plaintiffs Olin Corporation filed the Complaint (ECF No. 1) against Defendants on
6 April 29, 2010. Defendant Zurich Ireland Ltd. was dismissed from this action by
7 stipulation in October 2010. (ECF No. 68.) The Property Insurers Defendants filed an
8 Answer (ECF No. 22) and a First Amended Answer (ECF No. 37), and Defendant
9 Continental Casualty filed an Answer (ECF No. 123). Plaintiffs have not filed an Answer
10 to Continental Casualty's Complaint (ECF No. 1, Case No. 10-cv-01298-GMN-PAL).

11 Defendant Continental Casualty filed a Motion for Summary Judgment (ECF No.
12 148), a Memorandum in Support (ECF No. 157), and a Memorandum of Law and
13 Statement of Undisputed Material Facts (ECF No. 153) that total thirty-seven pages, and
14 Exhibits that total two thousand six hundred and sixty-six pages (ECF Nos. 153, 155,
15 156). The remaining Defendants filed a five-page Response to Continental Casualty's
16 motion (ECF No. 160), as well as three documents styled as motions for partial summary
17 judgment (ECF Nos. 149, 150, 151) that total seventy-nine pages, with Exhibits that total
18 one thousand one hundred and sixteen pages (ECF Nos. 152, 154) and Supplements that
19 total forty-two pages (ECF Nos. 189-190).

20 As a result, Plaintiffs Olin Corporation filed a Motion for Leave to File Excess
21 Pages (ECF No. 161) in opposition to Defendant Continental Casualty's motion, with a
22 total of eighty-four pages, and Exhibits totaling one thousand six hundred and seventeen
23 pages (ECF Nos. 167-173). Plaintiffs Olin Corporation also filed three Responses to the
24 motions for partial summary judgment that total seventy-six pages (ECF Nos. 164-166).

1 Collectively, Defendants filed ninety-three pages in Reply to the various
2 opposition briefs (ECF Nos. 184-188).

3 The total number of pages for the documents described above is five thousand six
4 hundred and nineteen pages.

5 **II. LEGAL STANDARD**

6 Local Rule 7-4 of the Local Rules of Civil Practice for the District of Nevada
7 provides:

8 Unless otherwise ordered by the Court, pretrial and post-trial briefs and
9 points and authorities in support of, or in response to, motions shall be
10 limited to thirty (30) pages including the motion but excluding exhibits.
11 Reply briefs and points and authorities shall be limited to twenty (20)
12 pages, excluding exhibits. Where the Court enters an order permitting a
longer brief or points and authorities, the papers shall include a table of
contents and table of authorities.

13 **III. DISCUSSION**

14 Here, Defendants either neglected to observe the requirements of Local Rule 7-4,
15 or chose to ignore the rule and instead circumvent the purpose of the rule by filing
16 multiple documents for the same motion. The only parties to observe the rule are
17 Plaintiffs, who filed their Motion for Leave to File Excess Pages (ECF No. 161) after
18 receiving Defendants' motions that were in excess of the page limits. No Defendant
19 requested leave to file excess pages or gave an explanation of good cause as to why
20 excess pages are necessary.

21 Accordingly, the Court will deny without prejudice all of Defendants' motions for
22 summary judgment, with leave to re-file according to Local Rule 7-4. If Defendants wish
23 to re-file the motions in excess of the page limits, Defendants may file a motion
24 requesting leave to file excess pages, with an explanation of why good cause exists to
25 grant the motion.

1 As a result, Plaintiffs' Motion for Leave to File Excess Pages (ECF NO. 161) will
2 be denied as moot.

3 Because Defendant Continental Casualty's Motion for Hearing (ECF No. 195)
4 relates to the motion for summary judgment, the Motion for Hearing will be denied as
5 moot.

6 **IV. CONCLUSION**


7 **IT IS HEREBY ORDERED** that Defendant Continental Casualty's Motion for
8 Summary Judgment (ECF No. 148) is **DENIED without prejudice**.

9 **IT IS FURTHER ORDERED** that Defendants Property Insurers' motions for
10 partial summary judgment (ECF Nos. 149, 150, 151) are **DENIED without prejudice**.

11 **IT IS FURTHER ORDERED** that Plaintiffs' Motion for Leave to File Excess
12 Pages (ECF No. 161) is **DENIED as moot**.

13 **IT IS FURTHER ORDERED** that Defendant Continental Casualty's Motion for
14 Hearing (ECF No. 195) is **DENIED as moot**.

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16 DATED this 12 day of July, 2012.

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20 Gloria M. Navarro
21 United States District Judge
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